

**PROPERTY ASSESSMENT APPEAL BOARD**  
**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

PAAB Docket No. 2019-077-10107R

Parcel No. 120/05882-172-000

**Angel Groff,**

Appellant,

vs.

**Polk County Board of Review,**

Appellee.

---

**Introduction**

This appeal came on for hearing before the Property Assessment Appeal Board (PAAB) on May 26, 2020. Angel Groff was self-represented. Assistant Polk County Attorney David Hibbard represented the Board of Review.

Angel Groff owns a residential property located at 2721 Shoreview Circle, Des Moines, Iowa. Its January 1, 2019, assessment was set at \$357,900, allocated as \$43,700 in land value and \$314,200 in building value. (Ex. B).

Groff petitioned the Board of Review contending the assessment was for more than the value authorized by law. Iowa Code § 441.37(1)(a)(2) (2019). The Board of Review denied the petition. (Ex. B).

Groff then appealed to PAAB re-asserting her claim and also asserting the assessment is not equitable as compared with the assessments of other like property. Iowa Code § 441.37(1)(a)(1 & 2) (2019).

**General Principles of Assessment Law**

PAAB has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A. PAAB is an agency and the provisions of the Administrative Procedure Act

apply. § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). PAAB may consider any grounds under Iowa Code section 441.37(1)(a) properly raised by the appellant following the provisions of section 441.37A(1)(b) and Iowa Admin. Code R. 701-126.2(2-4). New or additional evidence may be introduced. *Id.* PAAB considers the record as a whole and all of the evidence regardless of who introduced it.

§ 441.37A(3)(a); *see also Hy-Vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption the assessed value is correct, but the taxpayer has the burden of proof. §§ 441.21(3); 441.37A(3)(a). The burden may be shifted; but even if it is not, the taxpayer may still prevail based on a preponderance of the evidence. *Id.*; *Compiano v. Bd. of Review of Polk Cnty.*, 771 N.W.2d 392, 396 (Iowa 2009) (citation omitted).

### **Findings of Fact**

The subject property is a two-story home built in 2001. It has 3267<sup>1</sup> square feet of gross living area, 1700 square feet of average-plus quality basement finish, a deck, and a three-car attached garage. The improvements are listed in normal condition with a 3+10 (good quality) grade. The Assessor applied eight percent physical depreciation and ten percent functional obsolescence to the improvements. The site is 0.288 acres. (Ex. A).

Groff described the improvements as being outdated and needing repairs. She testified the deck is falling apart and unstable, the patio drains water into the house when it rains, the central air unit needs replaced, the interior is in need of paint and carpet throughout, and the upstairs bathroom is leaking into the dining room below. Groff submitted photographs in support of her testimony, evidencing items of deferred maintenance on the property.

The Board of Review submitted a mortgage appraisal prepared by Rebecca Matzdorff, Boulder Appraisals, LLC, Ankeny. Matzdorff inspected the property in July 2019 and relied on five 2018 sales and two 2019 sales. Matzdorff adjusted the sales for

<sup>1</sup> 3267 is the square footage listed on the subject's property record card. A mortgage appraisal (Ex. D) indicates the subject has 2967 square feet of GLA.

differences between them and the subject property for condition, view, size, bathrooms, and garages. Matzdorff opined an “as is” value for the property of \$348,000. Groff testified the subject was in the same condition at the time of the appraisal as it was in January 2019 and no work had been completed. Matzdorff did not note any of the deficiencies asserted by Groff and specifically checked the box indicating there were no physical deficiencies or adverse conditions affecting the livability, soundness, or structural integrity of the property. Matzdorff reported no updates in the past 15 years and stated “Average ongoing care and maintenance with no major update or remodel indicates a slightly reduced effective age.”

Chief Deputy Assessor Amy Rasmussen testified on behalf of the Board of Review. She explained she reviewed Matzdorff’s appraisal for factual information pertaining to the subject property and made comparisons to the relevant information at the Assessor’s office. A discrepancy in square footage was noted and ultimately an error in the Polk County sketch of the subject was found. Rasmussen testified that after correcting the error in the size of the living area, the Assessor’s value estimate for the subject by the cost approach is \$348,300. She noted this is only \$300 different from Matzdorff’s appraised value.

Groff’s appeal to PAAB asserts \$289,000 is the correct value of the subject. She testified 6716 Star View Street is a similar property in her development and was built by the same builder as her property. She testified the Star View property was assessed for \$324,100 and asserted this is inequitable because it has similar features and is superior in condition. However, county records indicate the 2019 assessed value of the Star View property is \$340,300.<sup>2</sup> The Star View property is also over 100 square feet smaller than the subject, has 700 square feet less basement finish, has fewer bathrooms, a smaller garage, less patio and deck area, and does not back to water like the subject. These differences help explain the variation in assessments now and in their sales prices when they were purchased from the builder. The Star View property sold in 2001 for \$256,300 compared to the subject’s sale price of \$303,170 in 2002. (Ex. 3).

<sup>2</sup> The Star View property’s assessment was \$324,100 in 2017 but increased to \$340,300 for 2019.

## Analysis & Conclusions of Law

Groff contends the subject property is inequitably assessed and over assessed as provided under Iowa Code section 441.37(1)(a)(1 & 2). Groff bears the burden of proof but we consider all of the evidence. §§ 441.21(3), 441.37A(3)(a).

To prove inequity, a taxpayer may show an assessor did not apply an assessing method uniformly to similarly situated or comparable properties. *Eagle Food Centers v. Bd. of Review of the City of Davenport*, 497 N.W.2d 860, 865 (Iowa 1993). Here, we find Groff failed to demonstrate the Assessor applied an assessing method in a non-uniform manner.

Alternatively, to prove inequity, a taxpayer may show the property is assessed higher proportionately than other like properties using criteria set forth in *Maxwell v. Shivers*, 133 N.W.2d 709, 711 (Iowa 1965). The *Maxwell* test provides that inequity exists when, after considering the actual values (2018 sales) and assessed values (2019) of comparable properties, the subject property is assessed at a higher proportion of its actual value. *Id.*

Groff argues her property is assessed for a greater amount than 6716 Star View Street and therefore she believes she is inequitably assessed. Though a comparison of assessed values alone is insufficient to prevail under the *Maxwell* test, we also found differences between the properties that explain the subject's greater assessed value. We find that Groff has not demonstrated her property is inequitably assessed.

In an appeal alleging the property is assessed for more than the value authorized by law under Iowa Code section 441.37(1)(a)(2), the taxpayer must show: 1) the assessment is excessive and 2) the subject property's correct value. *Soifer v. Floyd Cnty. Bd. of Review*, 759 N.W.2d 775, 780 (Iowa 2009) (citation omitted). Sales prices of the property or comparable properties in normal transactions are to be considered in arriving at market value. § 441.21(1)(b).

Through her testimony and exhibits, Groff asserts her property suffers from deferred maintenance. She believes her assessment is too high and does not reflect the true condition of the property. Groff offered no evidence of the subject's actual market value such as an appraisal or a comparative market analysis (CMA), but the Board of

Review submitted an appraisal of the property. Matzdorff's appraisal opines a value of \$348,000 for the subject property based on seven adjusted sales. The appraisal is based on the subject's "as is" condition, which is also reported as having had no updates, and notes no deferred maintenance. The appraisal's conclusion is consistent with the Assessor's office estimate of value after correcting for a listing error. We find the appraisal is reasonable and demonstrates the subject property's assessment is excessive.

Viewing the record as a whole, we find Groff failed to show her property is inequitably assessed. The record as a whole, however, supports her claim that the property is over assessed. The appraisal demonstrates the property's assessment is excessive and we find it is the best evidence of value in the record.

### **Order**

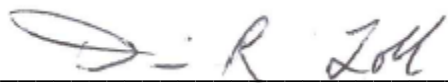
PAAB HEREBY MODIFIES the Polk County Board of Review's action.

Based on the foregoing, we find the property should be valued for \$348,000.

This Order shall be considered final agency action for the purposes of Iowa Code Chapter 17A.

Any application for reconsideration or rehearing shall be filed with PAAB within 20 days of the date of this Order and comply with the requirements of PAAB administrative rules. Such application will stay the period for filing a judicial review action.

Any judicial action challenging this Order shall be filed in the district court where the property is located within 30 days of the date of this Order and comply with the requirements of Iowa Code section 441.37B and Chapter 17A (2019).



---

Dennis Loll, Board Member



---

Elizabeth Goodman, Board Member



---

Karen Oberman, Board Member

Copies to:

Angel Groff  
2721 Shoreview Circle  
Des Moines, IA 50320

Polk County Board of Review by eFile

Polk County Auditor  
111 Court Avenue  
Des Moines, IA 50309